



## **ORDINANCE 2009-01**

### **AN ORDINANCE OF THE CITY OF TRINIDAD** **ADDING CHAPTER 5.28 TO TITLE 5 OF THE TRINIDAD MUNICIPAL CODE,** **PROHIBITING THE ESTABLISHMENT AND OPERATION OF** **MEDICAL MARIJUANA COOPERATIVES OR COLLECTIVES**

#### **CHAPTER 5.28** **MEDICAL MARIJUANA COOPERATIVES AND COLLECTIVES**

##### **SECTION 5.28.010**                      **PURPOSE AND FINDINGS**

The City Council finds that no federal and state law requires the establishment or operation of Medical Marijuana cooperatives or collectives sanctioned by the City of Trinidad; and

In order to serve the public health, safety, and welfare of the residents and businesses within the City of Trinidad, the declared purpose of this chapter is to prohibit Medical Marijuana cooperatives and collectives as stated in this chapter.

##### **SECTION 5.28.020**                      **DEFINITIONS**

The following terms and phrases, whenever used in this chapter, shall be construed as defined in this section:

- a) "Attending Physician" is an individual who possesses a license in good standing to practice medicine or osteopathy issued by the Medical Board of California or the Osteopathic Medical Board of California and who has taken responsibility for an aspect of the medical care, treatment, diagnosis, counseling, or referral of a patient and who has conducted a medical examination of that patient before recording in the patient's medical record the physician's assessment of whether the patient has a serious medical condition and whether the medical use of marijuana is appropriate.
- b) "Identification Card" is a document issued by the State Department of Health Services which identifies a person authorized to engage in the medical use of marijuana and the person's designated primary caregiver, if any.
- c) "Medical Marijuana" is marijuana used for medical purposes where that medical use is deemed appropriate and has been recommended by a physician who has determined that the person's health would benefit from the use of marijuana in the treatment of cancer, anorexia, AIDS, chronic pain, spasticity, glaucoma, arthritis, migraine, or any other "serious medical condition" which if not alleviated may cause serious harm to a patient's safety or physical or mental health and for which marijuana is deemed to provide relief as defined in Health and Safety Code Section 11362.7(h).
- d) "Medical Marijuana Cooperative or Collective" is a group that collectively or cooperatively cultivates and distributes marijuana for medical purposes, and/or provides a means for facilitating or coordinating transactions of Medical Marijuana between its members.
- e) "Primary Care Giver" is an individual, designated by a qualified patient or by a person with an identification card, who has (1) consistently provided caregiving, (2) independent of any assistance in taking medical marijuana, (3) at or before the time he or she assumed responsibility for assisting with medical marijuana.

f) "Qualified Patient" is a person who is entitled to the protections of California Health and Safety Code Section 11362.5, but who does not have an identification card issued by the State Department of Health Services.

**SECTION 5.28.030**  
**PROHIBITED**

**MEDICAL MARIJUANA COOPERATIVE OR COLLECTIVE**

It shall be unlawful for any person or entity to own, manage, conduct, or operate any Medical Marijuana Cooperative or Collective, or to participate as an employee, contractor, agent or volunteer, or in any other manner or capacity, in any Medical Marijuana Cooperative or Collective in the City of Trinidad.

**SECTION 5.28.040**

**PENALTY**

Except as may otherwise be expressly provided, any person who violates any provision of this Ordinance is guilty of a misdemeanor and shall, upon conviction thereof, be punished in the manner provided in Section 1.08.010 of the Trinidad Municipal Code.

**SECTION 5.28.050**

**USE OR ACTIVITY PROHIBITED BY STATE OR FEDERAL**

**LAW**

Nothing contained in this chapter shall be deemed to permit or authorize any use or activity which is otherwise prohibited by any state or federal law.

**SECTION 5.28.060**

**EXISTING NONCONFORMING USES**

Any Medical Marijuana cooperative or collective existing within the City of Trinidad on the effective date of this Ordinance shall cease operations forthwith.

**SECTION 5.28.070**

**SEVERABILITY**

The City Council of the City of Trinidad hereby declares that should any section, paragraph, sentence, phrase, term or word of this Ordinance be declared for any reason to be invalid, it is the intent of the City Council that it would have adopted all other portions of this Ordinance independent of the elimination here from of any such portion as may be declared invalid.

**SECTION 5.28.080**

**SAVINGS CLAUSE**

Neither the adoption of this ordinance nor the repeal of any other ordinance of this City shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license or penalty or the penal provisions applicable to any violation thereof. The provisions of this Ordinance, insofar as they are substantially the same as ordinance provisions previously adopted by the City relating to the same subject matter, shall be construed as restatements and continuations and not as new enactments.

THE FOREGOING ORDINANCE was introduced at a regular meeting of the City Council of the City of Trinidad held on the **February 11, 2009**, and thereafter passed and adopted at a regular meeting of said City Council held on **April 08, 2009**, by the following roll call vote:

AYES:	Bhardwaj, Ratzlaff, Binnie, Morgan, Fulkerson
NOES:	None
ABSENT:	None
ABSTAIN:	None

Attest:

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**Gabriel Adams**  
City Clerk

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**Stan Binnie**  
Mayor